

March 13, 2019

**VIA CERTIFIED MAIL RRR: 7017 0660 0000 5244 7094**

Honorable Ken Paxton  
Attorney General of Texas  
Attn: Open Government Section  
Supreme Court Building  
P. O. Box 12548  
Austin, TX 78711-2548

**RE: Request for Opinion under the Texas Public Information Act, Chapter 552, Texas Gov't Code; Plano File No. PD19-001**

Dear Attorney General Paxton:

The City of Plano respectfully requests an Attorney General opinion on whether the Texas Public Information Act ("TPIA") requires the City to disclose an Agreement and additional related documents between the City of Plano and Vigilant Solutions Inc.

**REQUEST FOR INFORMATION**

On February 20, 2019, the City of Plano received an open records request from Beryl Lipton for Records and materials related to the solicitation, acquisition, and use of facial recognition technology and related software and services. Copies of the Open Records Request is attached hereto as **Exhibit "A"**. A representative sample of the responsive documents are provided within **Exhibit "B"**.

**ARGUMENT AND AUTHORITIES**

Certain pages within this exhibit may be considered confidential, copyrighted and/or proprietary. In accordance with Section 552.305(d) of the Public Information Act, the City has made a good faith effort to notify vendor representatives of the request and their rights and duties pursuant thereto. A copy of the notifications sent by email and/or certified mail are attached hereto as Exhibit "C".

**Section 552.110 Confidentiality of Trade Secrets and Confidentiality of Certain Commercial or Financial Information**

To that end, the City requests to withhold any information the Attorney General's Office determines confidential or proprietary under Section 552.110 of the Government Code. Section 552.110 protects (1) trade secrets and (2) commercial or financial information the disclosure of which would cause substantial competitive harm to the person from whom the information was

obtained. The City notified the vendor to submit supportive documents directly to the Attorney General.

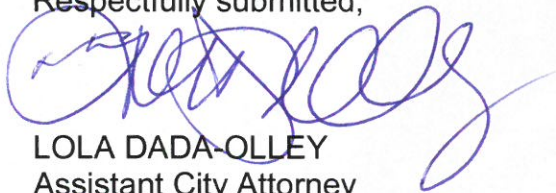
### **Section 552.108 Law Enforcement Exception**

Under Section 552.108(a)(1), a governmental body may withhold information held by a law enforcement agency or prosecutor that deals with the detection, investigation, prevention, or prosecution of crime if the release of the information would interfere with those processes. *Id.*

In this matter, some of the documents marked in **Exhibit "B"** provide a step-by-step guide for law enforcement (via internal hyperlinks provided within the documentation) on how to use facial recognition software complete with identifying information of individuals who may be connected to pending criminal investigatory matters. The disclosure of such information would interfere with the above named investigatory processes. Therefore, the City respectfully requests that items marked within the responsive documentation in **Exhibit "B"** be withheld from disclosure.

If anything further is required of the City to facilitate this review process, please contact the undersigned at the number listed below. **Please refer to the Plano File No. PD19-001 in your response letter.**

Respectfully submitted,



LOLA DADA-OLLEY  
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City of Plano, Texas  
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Enclosures

Cc: Beryl Lipton

**VIA EMAIL:** [69573-74802951@requests.muckrock.com](mailto:69573-74802951@requests.muckrock.com)

(Letter only, without enclosures)